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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,709	08/07/2001	Martin Sielaff	200400111-1	1241

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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,709

Applicant(s)

SIELAFF ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 6-23 are presented for examination. Claims 1-5 and 24 are not elected.

#### ***Election/Restrictions***

2. Applicant's election without traverse of claims 6-23 in the reply filed on 12/12/2005 is acknowledged.

3. Applicant's election of claims 6-23 in the reply filed on 12/12/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. [ US Patent No 6,380,640 ], in view of Gross et al. [ US Patent No 5,283,856 ].

6. As per claim 6, Beck teaches a rules evaluation system for a user's computer comprising:  
a rules-based agent having a plurality of rule clauses for evaluating data [ Col. 11, line 66 – Col. 12, line 3 ];

a plurality of triggers having functionality to notify the rules-based agent to begin evaluating [ Col. 7, lines 41-58; Col. 9, lines 30-57 ];

a plurality of data providers to provide data for evaluation [ Col. 1, line 63 – Col. 2, line 10, lines 25-34; Col. 35, line 65 – Col. 36, line 12 ]; and

a plurality of actions for providing information to a user based upon the evaluated data [ Col. 17, line 8 – Col. 18, line 3 ].

Beck does not specifically disclose

wherein the rules clauses comprises one or more required rules clauses and one or more optional rules clauses; and

wherein an action is performed provided all of the required rules clauses and at least one of the optional rules clauses are satisfied.

Gross discloses

wherein the rules clauses comprises one or more required rules clauses [ i.e. required syntax ] [ col 2, lines 21-29; and Appendix I, lines 1-40 ] and one or more optional rules clauses [ i.e. optional Form, Folder or Time ] [ Appendix I, col 19, lines 54-67 and col 21, lines 50-55 ];  
and

wherein an action is performed provided all of the required rules clauses and at least one of the optional rules clauses are satisfied [ i.e. when satisfied, the conditions cause actions to be taken ] [ col 6, lines 44-47; and col 8, lines 35-41 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Beck and Gross because Gross' teaching of required and optional rules would provide a flexible, efficient, event-driven and conditional rule-based system which can be transparently implemented for use [ Gross, col 2, lines 40-43 ].

7. As per claim 7, Beck discloses wherein the trigger is based upon user activity [ Col. 4, lines 5-9 ].

8. As per claim 8, Beck discloses wherein the trigger is based upon time [ Col. 36, lines 35-39 ].

9. As per claim 9, Beck discloses wherein the trigger is based upon computer online activity [ Col. 24, lines 23-31 ].

10. As per claim 10, Beck discloses wherein the trigger is based upon hardware present in the computer [ Col. 8, lines 54-65; Col. 16, lines 55-61 ].

11. As per claim 11, Beck discloses wherein the trigger is based upon software present in the computer [ Col. 3, lines 45-53; Col. 5, lines 21-32; Col. 28, line 62 – Col. 29, line 20 ].

12. As per claim 12, Beck discloses wherein rule clauses can be added dynamically [ Abstract; Col. 6, lines 6-10 ].
13. As per claim 13, Beck discloses wherein triggers can be added dynamically [ Abstract; Col. 6, lines 6-10 ].
14. As per claim 14, Beck discloses wherein data providers can be added dynamically [ Col. 6, lines 6-10; Col. 13, lines 47-52; Col. 50, lines 31-45; Col. 51, lines 51-54 ].
15. As per claim 15, Beck discloses wherein actions can be added dynamically [ Abstract; Col. 32, lines 47-58; Col. 59, lines 16-27 ].
16. As per claim 16, Beck discloses wherein the data provider detects a level of ink in the user's printer [ Col. 26, line 65 – Col. 27, line 5 ].
17. As per claim 17, Beck discloses wherein the data provider detects a speed of the user's computer hard drive [ Col. 16, lines 55-61 ].
18. As per claim 18, Beck discloses wherein the data provider detects an amount of memory installed on the user's computer [ Col. 32, lines 62-67 ].

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19. As per claim 19, Beck discloses wherein the data provider detects downloaded software [ Col. 17, lines 2-7 ].

20. As per claim 20, Beck discloses wherein the action is a pop-up box displayed to the user [ Col. 2, lines 8-10; Col. 35, lines 20-29; Col. 47, lines 52-65 ].

21. As per claim 21, Beck discloses wherein the action is an e-mail sent to the user [ Col. 3, lines 1-6; Col. 16, lines 39-50; Col. 17, lines 26-37 ].

22. As per claim 22, Beck discloses wherein the action is a link to a related website presented to the user [ Col. 14, lines 47-59; Col. 15, lines 35-42 ].

23. As per claim 23, Beck discloses wherein the action is a video displayed on the user's computer [ Col. 1, lines 49-62; Col. 5, lines 43-59 ].

24. Applicant's arguments with respect to claims 6-23 have been considered but are moot in view of the new ground(s) of rejection.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3971. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 **JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**